



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Attorney: Lisa M. Horton, for Conservator Kendra L. Brenson

Status Hearing Re: Establishment of Conservatorship in Texas; Final Account

| | | | |
|---|---|--|---|
| | | <p>KENDRA L. BRENSON, sister, was appointed Successor Conservator of the Person and Estate on 8/2/2007.</p> <p>Order Fixing Residence Outside the State of California filed on 6/18/2014 finds the residence of the Conservatee shall be <i>[street address omitted]</i>, Conroe, Texas; and that conservatorship of the person and estate or its equivalent shall be commenced in the state of new residence within 4 months of the date of this order. Four months from the date of the <i>Order Fixing Residence</i> expired on 10/18/2014.</p> <p>Status Hearing Report filed by Attorney Lisa Horton on 5/28/2015 states:</p> <ul style="list-style-type: none"> On 5/7/2015, she mailed the exemplified copy of the Court file to the Texas attorney; On 5/11/2015, she called the paralegal at the Texas firm; she received an email from the paralegal on 5/12/2015, stating that they will file the exemplified copy with the Court that day, and they anticipated getting a hearing date on 5/21 or 5/28 (<i>copy of email attached</i>); On 5/20/2015, she emailed the paralegal and received on response; 5/22/2015, she emailed the paralegal again on 5/22/2015 for the status, and she replied that the Texas guardianship <i>[the Texas term for conservatorship]</i> hearing was 6/18/2015 (<i>copy of email attached</i>); She changed the ending date of the final accounting to 6/19/2015 and needs the May statement from Wells Fargo to complete the accounting; She requests a continuance to 7/7/2015 for the filing of the final accounting and proof that her client was appointed as guardian in Texas. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 5/12/2015.</u></p> <p><u>Note for background:</u> Minute Order dated 4/6/2015 states the Court grants a 30 day continuance, but Counsel is to start inquiries regarding the Conservatorship in Texas immediately.</p> <p>The following issues from the last hearing remain:</p> <ol style="list-style-type: none"> Need proof of the establishment of conservatorship of the person and estate or its equivalent in the State of Texas. Need Second and Final account of the conservatorship pursuant to Probate Code § 2620 et seq. |
| Cont. from 101614, 121514, 020915, 051215, 051215 | | | |
| Aff.Sub.Wit. | | | |
| ✓ Verified | | | |
| Inventory | | | |
| PTC | | | |
| Not.Cred. | | | |
| Notice of Hrg | | | |
| Aff.Mail | X | | |
| Aff.Pub. | | | |
| Sp.Ntc. | | | |
| Pers.Serv. | | | |
| Conf. Screen | | | |
| Letters | | | |
| Duties/Supp | | | |
| Objections | | | |
| Video Receipt | | | |
| CI Report | | | |
| 9202 | | | |
| Order | | | |
| Aff. Posting | | | |
| ✓ Status Rpt | | | |
| UCCJEA | | | |
| Citation | | | |
| FTB Notice | | | |

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| Reviewed by: LEG |
| Reviewed on: 5/28/15 |
| Updates: 5/28/2015 |
| Recommendation: |
| File 1 - Harris |

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|---|------------------|---|
| | | NEEDS/PROBLEMS/COMMENTS: |
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| | | <u>OFF CALENDAR</u> |
| | | |
| Cont. from 071814, 111814, 010615, 051215 | | Proof of guardianship in Green County, Missouri filed 5/27/15. |
| | | |
| | Aff.Sub.Wit. | |
| | Verified | |
| | Inventory | |
| | PTC | |
| | Not.Cred. | |
| | Notice of Hrg | |
| | Aff.Mail | |
| | Aff.Pub. | |
| | Sp.Ntc. | |
| | Pers.Serv. | |
| | Conf. Screen | |
| | Letters | |
| | Duties/Supp | |
| | Objections | |
| | Video Receipt | |
| | CI Report | |
| | 9202 | |
| | Order | |
| | Aff. Posting | |
| | Status Rpt | |
| | UCCJEA | |
| | Citation | |
| | FTB Notice | |
| | | Reviewed by: skc |
| | | Reviewed on: 5/27/15 |
| | | Updates: 5/28/15 |
| | | Recommendation: |
| | | File 2 – Lanier |

| | | | |
|-------------------------------------|------------------------|--|---|
| | | <p>DAVID A. ROBERTS, Attorney for Former Conservator David J. St. Louis, and subsequently Former Successor Conservator Joan St. Louis, is Petitioner.</p> <p>Petitioner has previously requested and been paid a total of \$29,414.00 for work from October 2011 through December 2013.</p> <p>Petitioner requests compensation in the total amount of \$52,217.10 consisting of fees of \$50,120.00 and costs of \$2,097.10 for the period 1/1/14 through 2/20/15.</p> <p>Services include numerous attorney-client related personal and telephonic conferences with Mrs. St. Louis, Attorneys Deborah Boyett, Paul Chambers, Stefanie Krause, and Leigh Burnside, preparing and assisting in the accountings submitted, attendance at the hearing on that accounting and the objections thereto, evaluating and dealing with issues surrounding a failure to pay estimated taxes for the Conservatee, time spent on a conservatorship challenge, analyzing and evaluating the accounting prepared by Wells Fargo regarding the Bingham Administrative Trust, which appeared to subsume the Survivor's Trust, the Marital Exempt and Non-Exempt Trusts and the Exemption Trust.</p> <p>Petitioner's itemization includes 156.90 attorney hours @ \$300/hr and 27.30 paralegal hours @ \$100-120/hr.</p> <p>Costs include filing fees, certified letters, telephonic appearances, and photocopies.</p> <p>Petitioner states all cash assets of the Conservatee, \$110,708.97, held by Mrs. St. Louis as conservator were transferred to Randy Grace as conservator on 1/2/15.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> A status hearing re filing the final account of the former conservator (Petitioner's client) was continued to 6/12/12. Pursuant to Cal. Rule of Court 7.752, the Court may require accounting prior to authorizing compensation.</p> <p><u>Note:</u> This matter was originally set for 5/5/15, but was continued to 6/2/15 at Petitioner's request.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing and proof of service of Notice of Hearing at least 15 days prior to the hearing on all parties entitled to notice pursuant to Probate Code §§ 2640, 1460. 2. Petitioner requests compensation from the conservatorship estate for services in connection with the conservatee's trust. The Court may require clarification or payment from the trust rather than the conservatorship estate. |
| Cont. from 050515 | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> | Verified | | |
| <input type="checkbox"/> | Inventory | | |
| <input type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | | |
| <input type="checkbox"/> | Notice of Hrg x | | |
| <input type="checkbox"/> | Aff.Mail x | | |
| <input type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | | |
| <input type="checkbox"/> | Conf. Screen | | |
| <input type="checkbox"/> | Letters | | |
| <input type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input type="checkbox"/> | CI Report | | |
| <input type="checkbox"/> | 9202 | | |
| <input checked="" type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |

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| DOD: 11/18/2010 | BEVERLY T. ADAMS , spouse, was appointed Executor with full IAEA authority without bond on 06/25/2012. | NEEDS/PROBLEMS/COMMENTS: |
| | Letters issued on 06/28/2012. | |
| | Inventory and Appraisal was due 10/26/2012. | Minute Order of 12/09/2014: a verified written status report is to be filed by 05/29/2015. |
| Cont. from 072613, 110813, 112414, 120914 | Former Declaration of Danielle R. Guerrero and Status Report filed 11/19/2014 states Beverly T. Adams needed to be appointed as Personal Representative of her late husband's estate in order to file a wrongful death lawsuit on his behalf stemming from the airplane crash in Florida on 11/17/2010. The lawsuit was filed in Florida Southern District Court on 05/14/2013, Case No. 2:13-cv-14206. The original trial date for that matter was 08/15/2014. The trial was continued to 11/17/2014, then again to 01/12/2015, and is now scheduled for a two week trial beginning 05/18/2015. Mediation was scheduled for 11/07/2014 but was later postponed to allow a motion to be heard prior to mediation. The next mediation date is unscheduled at this time but will be rescheduled for early 2015, as it must be completed by April 2015, prior to the trial. If the matter is not settled at mediation, then the two week trial is set to begin May 18, 2015. An Inventory and Appraisal is not needed at this time as there is currently no real or personal property to be appraised. In the event that the wrongful death matter is resolved in favor of the decedent, the Personal Representative will file an Inventory and Appraisal at that time, as the decedent had no other property subject to probate. It is respectfully requests that this probate matter be continued six months pending the anticipated resolution of the wrongful death litigation. | |
| Aff.Sub.Wit. | | 1. Need Inventory and Appraisal and First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties. |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| | | Reviewed by: LV |
| | | Reviewed on: 05/28/2015 |
| | | Updates: |
| | | Recommendation: |
| | | File 4 – Adams |

Attorney: Michael D. Dowling (for Petitioners/Administrators Jeffrey David Hall & Stephen Gregory Hall)

Waiver of First and Final Account and Report of Co-Administrators and Petition for Settlement Thereof; for Allowance of Attorney's Fees for Ordinary and Extraordinary Services and Reimbursement of Advanced Costs; and for Final Distribution.

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|--------------------|----------------------|---|--|---------------------------------|
| DOD: 6/6/12 | | JEFFREY DAVID HALL and STEPHEN GREGORY HALL , Co-Administrators, are petitioners. | | NEEDS/PROBLEMS/COMMENTS: |
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| | | Accounting is waived. | | |
| Cont. from | | | | |
| | Aff.Sub.Wit. | | | |
| ✓ | Verified | | I & A - \$996,354.25 POH - \$997,461.38 | |
| ✓ | Inventory | | Administrators - waive | |
| ✓ | PTC | | Attorney (statutory) - \$22,327.08 | |
| ✓ | Not.Cred. | | | |
| ✓ | Notice of Hrg | | Attorney X/O - \$5,077.15 (for defense in a lawsuit against the estate. 17.30 attorney hours @ \$210-420 per hour and 2.40 paralegal hours @ \$145-\$150 per hour) | |
| ✓ | Aff.Mail | W/ | | |
| | Aff.Pub. | | | |
| | Sp.Ntc. | | | |
| | Pers.Serv. | | Costs - \$2,014.38 (filing fees, certified copies, probate referee, publication) | |
| | Conf. Screen | | | |
| ✓ | Letters | 10/12/12 | Closing reserve - \$4,000.00 | |
| | Duties/Supp | | | |
| | Objections | | Distribution, pursuant to intestate succession, is to: | |
| | Video Receipt | | Jeffrey David Hall - ½ of the property on hand. | |
| | CI Report | | Stephen Gregory Hall - ½ of the property on hand. | |
| ✓ | 9202 | | | |
| ✓ | Order | | | |
| | Aff. Posting | | | |
| | Status Rpt | | | |
| | UCCJEA | | | |
| | Citation | | | |
| ✓ | FTB Notice | | | |
| | | | | Reviewed by: KT |
| | | | | Reviewed on: 5/27/15 |
| | | | | Updates: |
| | | | | Recommendation: |
| | | | | File 5 - Hall |

Petition for Discharge Without Administration - No Property

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|--|--|--|---------------------------------|
| DOD: 3/22/12 | MARGARET ANDERSEN , Executor, is petitioner. | | NEEDS/PROBLEMS/COMMENTS: |
| | <p>Petitioner states a creditor's claim was filed by Barbara Cardoza on 2/11/13 for purported damages allegedly caused by Decedent in an amount to be determined at trial. Petitioner rejected the creditor's claim on or about 3/7/13.</p> <p>The civil action on the rejected claim was filed on or about 3/6/13, in the case titled Cardoza v. Andersen, et al, Fresno County Superior Court case no. 13CECG00711. Through the action, Barbara Cardoza sought damages related to the death of Cardoza's husband, Frank Cardoza, on 3/22/12, for various causes of action including intentional tort and negligence.</p> <p>Pursuant to the Order of this Court dated 3/18/13, Petitioner retained Chielpegian Law Offices as special litigation counsel to represent Petitioner in connection with defense of the action to preserve and protect the estate's rights and to litigate the various issues related thereto.</p> <p>In or about January 2015, Petitioner settled the civil action with Cardoza and the case has now been dismissed.</p> <p>Petitioner alleges the estate has no assets subject to administration.</p> <p>Wherefore, Petitioner prays for an Order that:</p> <ol style="list-style-type: none"> 1. The Court grant the Petition for Discharge without Administration – No Property; 2. The Court terminate this administration, and Margaret Andersen, Executor of the Estate, be discharged. | | |
| Cont. from | | | |
| <input type="checkbox"/> Aff.Sub.Wit. | | | |
| <input checked="" type="checkbox"/> Verified | | | |
| <input checked="" type="checkbox"/> Inventory | | | |
| <input checked="" type="checkbox"/> PTC | | | |
| <input checked="" type="checkbox"/> Not.Cred. | | | |
| <input checked="" type="checkbox"/> Notice of Hrg | | | |
| <input checked="" type="checkbox"/> Aff.Mail | W/ | | |
| <input type="checkbox"/> Aff.Pub. | | | |
| <input checked="" type="checkbox"/> Sp.Ntc. | W/ | | |
| <input type="checkbox"/> Pers.Serv. | | | |
| <input type="checkbox"/> Conf. Screen | | | |
| <input checked="" type="checkbox"/> Letters | 2/5/13 | | |
| <input type="checkbox"/> Duties/Supp | | | |
| <input type="checkbox"/> Objections | | | |
| <input type="checkbox"/> Video Receipt | | | |
| <input type="checkbox"/> CI Report | | | |
| <input checked="" type="checkbox"/> 9202 | | | |
| <input type="checkbox"/> Order | | | |
| <input type="checkbox"/> Aff. Posting | | | |
| <input type="checkbox"/> Status Rpt | | | |
| <input type="checkbox"/> UCCJEA | | | |
| <input type="checkbox"/> Citation | | | |
| <input type="checkbox"/> FTB Notice | | | |
| | | | Reviewed by: KT |
| | | | Reviewed on: 5/29/15 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 6 - Anderson |

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|---|--|---|
| DOD: 08/19/13 | PUBLIC ADMINISTRATOR , Administrator, filed his First and Final Account and Report of Administrator, etc. on 10/15/14. The Petition requested a closing reserve of \$10,000.00. Minute Order dated 12/02/14 from the hearing on the First and Final Account set this matter for a status hearing regarding an Informal Accounting of Closing Reserve. | NEEDS/PROBLEMS/COMMENTS: <div style="text-align: center;"> <u>OFF CALENDAR</u> Informal Accounting filed 05/28/15 </div> |
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| Cont. from | | |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| <div> Reviewed by: JF </div> <div> Reviewed on: 05/27/15 </div> <div> Updates: 05/28/15 </div> <div> Recommendation: </div> <div> File 7 - McPike </div> | | |

| | | |
|----------------------|---|---|
| DOD: 5-17-13 | LOUISE BAKER , was appointed Executor with full IAEA authority without bond on 01/27/2014. | NEEDS/PROBLEMS/COMMENTS: |
| | Letters issued on 01/28/2014. | |
| Cont. from | Minute Order of 01/06/2014 set as status hearing for the filing of the Inventory and Appraisal. | OFF CALENDAR Petition for Termination of Administration of Estate filed 05/29/15 and set for hearing on 07/15/15 |
| Aff.Sub.Wit. | | |
| Verified | | 1. Need petition to close insolvent estate. (Petition must be filed and set for noticed hearing, including notice to heirs and creditors per Probate Code §11000.) |
| Inventory | | |
| PTC | | Note: The original petition estimated the estate to contain personal property valued at \$500,000.00. |
| Not.Cred. | | |
| Notice of Hrg | | Note: Louise Baker is the sole heir pursuant to the decedent's will dated 12-21-84; however, Letters issued on 1-28-14 and two creditor's claims have been filed totaling \$1,983.54. The estate must be properly closed by noticed petition. See Probate Code §§ 10950 et seq., 11000, 12200. |
| Aff.Mail | | |
| Aff.Pub. | | Reviewed by: JF |
| Sp.Ntc. | | |
| Pers.Serv. | | Reviewed on: 05/28/15 |
| Conf. Screen | | |
| Letters | | Updates: 05/29/15 |
| Duties/Supp | | |
| Objections | | Recommendation: |
| Video Receipt | | |
| CI Report | | File 8 - Ello |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |

Motion to be Relieved as Counsel

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| | | | <p>KENTON J. KLASSEN of Dowling Aaron Incorporated, attorneys for Co-Conservators, is Petitioner.</p> <p>Petitioner states a substitution of attorney was sent to Co-Conservators Cynthia C. Thomas and Pamela J. Thomas on 3/24/15 with a cover letter explaining that the firm was terminating its representation and requesting that the client obtain independent counsel and sign and return the substitution form. The client did respond by phone call, but failed to sign and return the form.</p> <p>It is necessary to withdraw for the reasons contained in the 3/24/15 letter to the client (not provided). There has been a breakdown in the attorney-client relationship. The client's failure to cooperate with the firm has made it unreasonably difficult to carry out its employment effectively.</p> <p>The firm has made the client file available to the client and has advised the client to find new legal counsel and prepare and file an appropriate accounting. To the firm's knowledge, the Conservatee is being well taken care of and is not prejudiced by this proceeding. The payment of the firm's fees will be requested and addressed in a separate subsequent petition following the client's filing of the first account and report.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u></p> <p>Substitution Of Attorney filed 5/29/15.</p> <p>Note: Cynthia C. Thomas and Pamela J. Thomas, Co-Conservators, have now filed their First Account Current in pro per, which is set for hearing on 7/20/15.</p> |
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| | Aff.Sub.Wit. | | | |
| ✓ | Verified | | | |
| | Inventory | | | |
| | PTC | | | |
| | Not.Cred. | | | |
| ✓ | Notice of Hrg | | | |
| ✓ | Aff.Mail | w | | |
| | Aff.Pub. | | | |
| | Sp.Ntc. | | | |
| | Pers.Serv. | | | |
| | Conf. Screen | | | |
| | Letters | | | |
| | Duties/Supp | | | |
| | Objections | | | |
| | Video Receipt | | | |
| | CI Report | | | |
| | 9202 | | | |
| ✓ | Order | | | |
| | Aff. Posting | | | |
| | Status Rpt | | | |
| | UCCJEA | | | |
| | Citation | | | |
| | FTB Notice | | | |

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|----------------------|
| Reviewed by: skc |
| Reviewed on: 5/28/15 |
| Updates: 5/29/15 |
| Recommendation: |
| File 9B - Coyle |

Petitioner Hoyos, Lisa Marie (pro per – maternal aunt)
 Petitioner Hoyos, Jeremy Joseph (pro per – maternal uncle)

Petition for Appointment of Temporary Guardian of the Person

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|-------------------------------------|---------------|--|--|--|--|--|
| Age: 1 yr | | GENERAL HEARING: 07/20/15 | | NEEDS/PROBLEMS/COMMENTS: | | |
| | | JEREMY HOYOS and LISA HOYOS , maternal uncle and aunt, are Petitioners. | | Note: Petitioners previously petitioned for guardianship in 2014, but filed a request for dismissal on 06/10/14. | | |
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| Cont. from | | Father: FRANCISCO BARAJAS – <i>Consent & Waiver of Notice filed</i> <i>05/26/15; also personally served on</i> <i>05/23/15</i> | | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | | | | |
| <input checked="" type="checkbox"/> | Verified | Mother: RHIANNON ROSS – <i>Consent &</i> <i>Waiver of Notice filed 05/26/15; also</i> <i>personally served on 05/23/15</i> | | | | |
| <input type="checkbox"/> | Inventory | | | | | |
| <input type="checkbox"/> | PTC | Paternal grandparents: UNKNOWN | | | | |
| <input type="checkbox"/> | Not.Cred. | | | | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | Maternal grandfather: DARRELL ROSS Maternal grandmother: CONNIE HOYOS | | | | |
| <input type="checkbox"/> | Aff.Mail | | | | | |
| <input type="checkbox"/> | Aff.Pub. | Petitioners state [see Petition for details]. | | | | |
| <input type="checkbox"/> | Sp.Ntc. | | | | | |
| <input checked="" type="checkbox"/> | Pers.Serv. | w/ | | | | |
| <input checked="" type="checkbox"/> | Conf. Screen | | | | | |
| <input checked="" type="checkbox"/> | Letters | | | | | |
| <input checked="" type="checkbox"/> | Duties/Supp | | | | | |
| <input type="checkbox"/> | Objections | | | | | |
| <input type="checkbox"/> | Video Receipt | | | | | |
| <input type="checkbox"/> | CI Report | | | | | |
| <input type="checkbox"/> | 9202 | | | | | |
| <input checked="" type="checkbox"/> | Order | | | | | |
| <input type="checkbox"/> | Aff. Posting | | | | | |
| <input type="checkbox"/> | Status Rpt | | | | | |
| <input checked="" type="checkbox"/> | UCCJEA | | | | | |
| <input type="checkbox"/> | Citation | | | | | |
| <input type="checkbox"/> | FTB Notice | | | | | |
| | | | | Reviewed by: JF | | |
| | | | | Reviewed on: 05/28/15 | | |
| | | | | Updates: | | |
| | | | | Recommendation: | | |
| | | | | File 10 - Ross | | |

First and Final Account and Report of Executor and Petition for Final Settlement and Distribution, Accounting Waived

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|-------------------------------------|-------------------------|--|---|
| DOD: 02/19/14 | | CHARLES L. ROBINSON , Executor, is Petitioner. Accounting is waived. I & A - \$180,229.33 POH - \$180,229.33 Executor - waived Attorney - \$6,406.88(statutory) Distribution, pursuant to Decedent's Lost Will, is to: Charles L. Robinson: \$173,822.45 (as calculated by the Examiner, see note 1) | NEEDS/PROBLEMS/COMMENTS: 1. There appears to be an addition error in the Order. The Order lists the value of the property on hand as \$172,299.72 (which is the total of item 2 only, does not include item 1); Examiner calculates items 1 and 2 to total \$180,229.33 and thus after payment of statutory attorney's fees, there remains \$173,822.45 remaining to be distributed to the beneficiary. Need revised Order. |
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| Cont. from | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> | Verified | | |
| <input checked="" type="checkbox"/> | Inventory | | |
| <input checked="" type="checkbox"/> | PTC | | |
| <input checked="" type="checkbox"/> | Not.Cred. | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | |
| <input checked="" type="checkbox"/> | Aff.Mail w/ | | |
| <input type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | | |
| <input type="checkbox"/> | Conf. Screen | | |
| <input type="checkbox"/> | Letters 12/10/14 | | |
| <input type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input type="checkbox"/> | CI Report | | |
| <input checked="" type="checkbox"/> | 9202 | | |
| <input checked="" type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input checked="" type="checkbox"/> | FTB Notice | | |
| | | Reviewed by: JF Reviewed on: 05/28/15 Updates: 05/29/15 Recommendation: File 11 - Robinson | |

Pro Per Petitioner: McKenna E. Frasch, mother
 Guardian: Fries, Laurie, paternal grandmother

Petition for Visitation

| | | | | |
|-------------------------------------|---------------|---|---|-----|
| | | <p>McKENNA E. FRASCH, mother, is Petitioner.</p> <p>LAURIE FRIES, paternal grandmother, was appointed Guardian on 9/18/2014.</p> <p><i>Guardian was served notice by mail 4/27/2015.</i></p> <p align="center">~Please see Petition for details~</p> <p>Declaration filed by Petitioner on 4/27/2015 includes several attachments.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need proof of 15 days' service prior to hearing of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Visitation or Consent and Waiver of Notice, or Declaration of Due Diligence</i>, for: <ul style="list-style-type: none"> NICHOLAS FRIES, father; <i>Proof of Service by Mail</i> of the <i>Notice of Hearing</i> filed 4/29/2015 indicates the address for Nicholas Fries, father, is unknown, such that no proof of service to him is indicated. Richard Frasch, maternal grandfather. <i>Proof of Service by Mail</i> of the <i>Notice of Hearing</i> filed 4/29/2015 does not indicate a copy of the <i>Petition for Visitation</i> was mailed with the notice. | |
| Cont. from | | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | | |
| <input checked="" type="checkbox"/> | Verified | | | |
| <input type="checkbox"/> | Inventory | | | |
| <input type="checkbox"/> | PTC | | | |
| <input type="checkbox"/> | Not.Cred. | | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | | |
| <input checked="" type="checkbox"/> | Aff.Mail | | | W/O |
| <input type="checkbox"/> | Aff.Pub. | | | |
| <input type="checkbox"/> | Sp.Ntc. | | | |
| <input type="checkbox"/> | Pers.Serv. | | | |
| <input type="checkbox"/> | Conf. Screen | | | |
| <input type="checkbox"/> | Letters | | | |
| <input type="checkbox"/> | Duties/Supp | | | |
| <input type="checkbox"/> | Objections | | | |
| <input type="checkbox"/> | Video Receipt | | | |
| <input type="checkbox"/> | CI Report | | | |
| <input type="checkbox"/> | 9202 | | | |
| <input type="checkbox"/> | Order | X | | |
| <input type="checkbox"/> | Aff. Posting | | | |
| <input type="checkbox"/> | Status Rpt | | | |
| <input type="checkbox"/> | UCCJEA | | | |
| <input type="checkbox"/> | Citation | | | |
| <input type="checkbox"/> | FTB Notice | | | |
| | | <p>Reviewed by: LEG</p> <p>Reviewed on: 5/28/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 - Fries</p> | | |

Attorney: Rodriguez, Frankie D., for Petitioner Primavera Damme, Administrator

Probate Status Hearing Re: Proof of Bond

| | | |
|----------------------|---|--|
| DOD: 8/1/2013 | PRIMAVERA DAMME , daughter, was appointed Executor with Full IAEA with bond of \$175,000.00 on 4/14/2015. | NEEDS/PROBLEMS/COMMENTS: Note: Letters of Administration filed on 4/24/2015 were revoked on 5/28/2015 due to the Petitioner not having filed proof of bond. 1. Need proof of bond to be filed with the Court in the sum of \$175,000.00 pursuant to Probate Code § 8480. |
| | | |
| | | |
| | | |
| Cont. from | Minute Order dated 4/14/2015 from the hearing on the petition for letters of administration set the matter for a Status Hearing on 6/2/2015 for filing of the proof of bond. | |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
| Bond | X | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| | | Reviewed by: LEG |
| | | Reviewed on: 5/28/15 |
| | | Updates: |
| | | Recommendation: |
| | | File 13 - Valencia |

14 Etelberto Araiza (Estate) Case No. 14CEPR00860

Attorney Istanbulian, Flora (for Maria D. Camarillo – Administrator)

First and Final Report of Administrator on Waiver of Account and Petition for Final Distribution; for Allowance of Compensation to Attorney

| | | |
|------------------------|---|----------------------------------|
| DOD: 05/08/2014 | MARIA D. CAMRILLO , Administrator, is petitioner. | NEEDS/PROBLEMS/COMMENTS: |
| | | |
| | | |
| | Accounting is waived | |
| | | |
| Cont. from | I&A - \$144,517.60 | |
| Aff.Sub.Wit. | POH - \$146,317.93 | |
| ✓ Verified | (\$62,057.51 is cash) | |
| ✓ Inventory | Executor – Waives | |
| PTC | | |
| ✓ Not.Cred. | Attorney - \$2000.00 (less than statutory) | |
| ✓ Notice of Hrg | Closing - \$1,000.00 | |
| ✓ Aff.Mail | w/ | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | Distribution, pursuant to intestate succession, is to: Juliana Araiza - \$29,528.76; ½ interest in real and personal property. | |
| Letters | 10/27/14 Jose I. Araiza - \$29,528.76; ½ interest in real and personal property. | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| ✓ 9202 | | |
| ✓ Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| ✓ FTB Notice | | |
| | | Reviewed by: LV |
| | | Reviewed on: 05/29/2015 |
| | | Updates: |
| | | Recommendation: Submitted |
| | | File 14 - Araiza |

Petition for Probate of Will and for Letters of Administration Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

| | | | |
|--|---------------|---|--|
| DOD: 7-1-06 | | JONATHAN VAUGHAN , Son, is Petitioner and requests appointment as Administrator with Limited IAEA without bond. | NEEDS/PROBLEMS/COMMENTS: Continued from 3-23-15, 5-4-15 The following issues remain noted: |
| | | | |
| | | | |
| | | | |
| Cont from 032315, 050415 | | | |
| | Aff.Sub.Wit. | | |
| ✓ | Verified | | |
| | Inventory | | |
| | PTC | | |
| | Not.Cred. | | |
| Limited IAEA – ok | | 1. The Fresno Bee publication used outdated language regarding notice to creditors. See Probate Code §8100 and Form DE-121, Notice of Petition to Administer Estate, which was updated 1/1/13. The Court may require amended publication. | |
| Decedent died intestate | | | |
| Residence: Miramonte, CA Publication: Fresno Bee | | | |
| Estimated value of estate: Personal property: Unknown, if any Real property: \$78,000.00 | | | |
| ✓ | Notice of Hrg | | |
| ✓ | Aff.Mail | | W |
| ✓ | Aff.Pub. | | |
| | Sp.Ntc. | | |
| | Pers.Serv. | | |
| Probate Referee: Rick Smith | | | 2. The Court may require waivers of bond (new Judicial Council Form DE-142) from the remaining heirs: - Darrell Vaughan (son) - Shanna Greene (granddaughter) - Nathan Greene (grandson) - Christopher Vaughan (<u>relationship not stated – need clarification</u>) |
| Petitioner requests bond be waived because the estate consists solely of real property upon which Petitioner currently resides. Waivers have been obtained from only two of the heirs; however, Petitioner requests that if the property is sold, any proceeds be placed into a blocked account. | | | |
| | Conf. Screen | | |
| ✓ | Letters | | |
| ✓ | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| Aff. Posting | | Note: If granted, the Court will set status hearings as follows: | |
| Status Rpt | | | |
| UCCJEA | | | |
| Citation | | | |
| FTB Notice | | | |
| | | | |
| | | • Monday, July 20, 2015 for the filing of bond, if required • Monday, Nov. 2, 2015 for the filing of the inventory and appraisal • Monday, Sept. 12, 2016 for the filing of the first account or petition for final distribution. | |
| | | If the proper items are on file pursuant to local rules, the status hearings may be taken off calendar. | |
| | | Reviewed by: skc | |
| | | Reviewed on: 5-27-15 | |
| | | Updates: | |
| | | Recommendation: | |
| | | File 15 - Vaughan | |

Pro Per Petitioner: Janet Garcia-Cruz, sister

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

| | | | | |
|--------------------------|----------------------|---|--|---|
| | | | <p>TEMPORARY GRANTED ON COURT'S OWN MOTION EXPIRES 6/2/2015</p> <p>JANET GARCIA-CRUZ, sister, is Petitioner.</p> <p><i>~Please see Petition for details~</i></p> <p>Court Investigator's Report was filed on 4/10/2015.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 4/21/2015. Minute Order states continued due to the service defects as to the father and the paternal grandparents. The Court orders temporary letters are to issue forthwith.</p> <p>1. Need proof of personal service of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for:</p> <ul style="list-style-type: none"> Ignacio Gonzalez, father, if Court does not find due diligence based on Declaration filed 5/27/2015. <p>2. Need proof of service by mail of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for:</p> <ul style="list-style-type: none"> paternal grandparents, if Court does not excuse notice as Petitioner requests. |
| Cont. from 042115 | | | | |
| | Aff.Sub.Wit. | | | |
| ✓ | Verified | | | |
| | Inventory | | | |
| | PTC | | | |
| | Not.Cred. | | | |
| | Notice of Hrg | X | | |
| | Aff.Mail | X | | |
| | Aff.Pub. | | | |
| | Sp.Ntc. | | | |
| | Pers.Serv. | X | | |
| ✓ | Conf. Screen | | | |
| ✓ | Letters | | | |
| ✓ | Duties/Supp | | | |
| | Objections | | | |
| | Video Receipt | | | |
| ✓ | CI Report | | | |
| ✓ | Clearances | | | |
| ✓ | Order | | | |
| | Aff. Posting | | | |
| | Status Rpt | | | |
| ✓ | UCCJEA | | | |
| | Citation | | | |
| | FTB Notice | | | |
| | | | <p>Reviewed by: LEG</p> <p>Reviewed on: 5/28/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16 – Gonzalez-Cruz</p> | |

Attorney Perkins, Jan T. (for Mike Pistorich – Petitioner – Nephew)

First Amended Petition for Probate of Lost Will and for Letters of Administration with Will Annexed; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

| | | | | | | | | | | | | |
|--------------------------------|----|--|---------------------|---|--------------|---------------|---|--------------|--------------|---|---------------------|---|
| DOD: 01/19/2015 | | <p>MIKE PISTORICH, nephew, is petitioner and is requesting to be appointed as Administrator with will annexed without bond.</p> <p>Full IAEA – o.k.</p> <p>Will dated: 08/07/1984</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated value of the Estate:</p> <table> <tr> <td>Personal property</td> <td>-</td> <td>\$630,450.53</td> </tr> <tr> <td>Real property</td> <td>-</td> <td>\$344,238.22</td> </tr> <tr> <td>Total</td> <td>-</td> <td>\$974,688.75</td> </tr> </table> <p>Probate Referee: Rick Smith</p> <p>Petition states: Decedent executed a valid Will dated 08/07/1984, but that original Will has been lost. At the time of his death, Decedent was not competent. Decedent had been diagnosed with dementia.</p> | Personal property | - | \$630,450.53 | Real property | - | \$344,238.22 | Total | - | \$974,688.75 | <p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition does not provide enough information with regard to whether the lost Will was revoked or destroyed by the testator prior to his death. The Court may require more information. Notice must indicate Petition of a Lost Will pursuant to California Rule of Court 7.50. Need Order. <p>Note: Order must comply with Probate Code §8223.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> Tuesday, 11/03/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> Tuesday, 08/16/2016 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p> |
| Personal property | - | | \$630,450.53 | | | | | | | | | |
| Real property | - | | \$344,238.22 | | | | | | | | | |
| Total | - | | \$974,688.75 | | | | | | | | | |
| Cont. from | | | | | | | | | | | | |
| ✓ Aff.Sub.Wit. | | | | | | | | | | | | |
| ✓ Verified | | | | | | | | | | | | |
| Inventory | | | | | | | | | | | | |
| PTC | | | | | | | | | | | | |
| Not.Cred. | | | | | | | | | | | | |
| ✓ Notice of Hrg | | | | | | | | | | | | |
| ✓ Aff.Mail | w/ | | | | | | | | | | | |
| ✓ Aff.Pub. | | | | | | | | | | | | |
| Sp.Ntc. | | | | | | | | | | | | |
| Pers.Serv. | | | | | | | | | | | | |
| Conf. Screen | | | | | | | | | | | | |
| ✓ Letters | | | | | | | | | | | | |
| ✓ Duties/Supp | | | | | | | | | | | | |
| Objections | | | | | | | | | | | | |
| Video Receipt | | | | | | | | | | | | |
| CI Report | | | | | | | | | | | | |
| 9202 | | | | | | | | | | | | |
| Order | x | | | | | | | | | | | |
| Aff. Posting | | | | | | | | | | | | |
| Status Rpt | | | | | | | | | | | | |
| UCCJEA | | | | | | | | | | | | |
| Citation | | | | | | | | | | | | |
| FTB Notice | | | | | | | | | | | | |
| Reviewed by: LV | | | | | | | | | | | | |
| Reviewed on: 05/27/2015 | | | | | | | | | | | | |
| Updates: | | | | | | | | | | | | |
| Recommendation: | | | | | | | | | | | | |
| File 17 – Kurtovich | | | | | | | | | | | | |

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

| | | | | |
|---|---------------|---|---------------------------|--|
| | | | See petition for details. | NEEDS/PROBLEMS/COMMENTS: 1. Need diligence re unknown paternal grandparents or notice pursuant to Probate Code §511. |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | Aff.Sub.Wit. | | | |
| ✓ | Verified | | | |
| | Inventory | | | |
| | PTC | | | |
| | Not.Cred. | | | |
| ✓ | Notice of Hrg | W | | |
| | Aff.Mail | | | |
| | Aff.Pub. | | | |
| | Sp.Ntc. | | | |
| ✓ | Pers.Serv. | W | | |
| ✓ | Conf. Screen | | | |
| ✓ | Letters | | | |
| ✓ | Duties/Supp | | | |
| | Objections | | | |
| | Video Receipt | | | |
| | CI Report | | | |
| | 9202 | | | |
| ✓ | Order | | | |
| | Aff. Posting | | | |
| | Status Rpt | | | |
| ✓ | UCCJEA | | | |
| | Citation | | | |
| | FTB Notice | | | |
| | | | Reviewed by: skc | |
| | | | Reviewed on: 5/27/15 | |
| | | | Updates: | |
| | | | Recommendation: | |
| | | | File 18A - Cruz | |

Petitioner Phasakda, Julie (Pro Per - Paternal aunt)

Petition for Appointment of Guardianship of the Person (Prob. C. 1510)

| | | | |
|---|--|---|---|
| Age: 4 | TEMPORARY EXPIRES <u>06/02/2015</u> JULIE PHASAKDA , paternal aunt, is Petitioner. <u>Please see petition for details</u> | NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Saysong Kham Phasakda (Father) Anason Keonhothy (Mother) – Unless the court dispenses with notice. Note: Declaration of Due Diligence filed 03/30/2015 states after numerous attempts via Facebook, the result was unsuccessful, the last number was disconnected. Mother contacted the petitioner via social media stating she was homeless. Last message received from the mother was 02/15/2015. 3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Sy Phasakda (Paternal Grandmother) Maternal Grandparents (Not Listed) 5. UCCJEA is incomplete. Need minor's residence information for the past 5 years. | |
| | | | |
| | | | |
| | | | |
| Cont. from | | | |
| <input type="checkbox"/> Aff.Sub.Wit. | | | |
| <input checked="" type="checkbox"/> Verified | | | |
| <input type="checkbox"/> Inventory | | | |
| <input type="checkbox"/> PTC | | | |
| <input type="checkbox"/> Not.Cred. | | | |
| <input type="checkbox"/> Notice of Hrg | | | x |
| <input type="checkbox"/> Aff.Mail | | | x |
| <input type="checkbox"/> Aff.Pub. | | | |
| <input type="checkbox"/> Sp.Ntc. | | | |
| <input type="checkbox"/> Pers.Serv. | | | x |
| <input checked="" type="checkbox"/> Conf. Screen | | | |
| <input checked="" type="checkbox"/> Letters | | | |
| <input checked="" type="checkbox"/> Duties/Supp | | | |
| <input type="checkbox"/> Objections | | | |
| <input type="checkbox"/> Video Receipt | | | |
| <input checked="" type="checkbox"/> CI Report | | | |
| <input type="checkbox"/> 9202 | | | |
| <input checked="" type="checkbox"/> Order | | | |
| <input type="checkbox"/> Aff. Posting | | | |
| <input type="checkbox"/> Status Rpt | | | |
| <input checked="" type="checkbox"/> UCCJEA | | | |
| <input type="checkbox"/> Citation | | | |
| <input type="checkbox"/> FTB Notice | | | |
| Reviewed by: LV | | | |
| Reviewed on: 05/28/2015 | | | |
| Updates: | | | |
| Recommendation: | | | |
| File 19 – Phasakda | | | |

| | | | | | |
|-------------------------------------|---------------|---|--|--|--|
| Age: 1 | | <u>NO TEMPORARY REQUESTED</u> | | NEEDS/PROBLEMS/COMMENTS: | |
| | | JULIA L. POLLET , maternal grandmother, is Petitioner. | | 1. Need <i>Notice of Hearing</i> . | |
| | | Father: ROBERT PHIPPS | | 2. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: | |
| Cont. from | | Mother: RICKI CARLSON | | a. Robert Phipps (father) – <i>personal service required</i> | |
| <input type="checkbox"/> | Aff.Sub.Wit. | Paternal grandparents: NOT LISTED | | b. Ricki Carlson (mother) – <i>personal service required</i> | |
| <input checked="" type="checkbox"/> | Verified | Maternal grandfather: RICHARD CARLSON | | c. Paternal grandparents – <i>service by mail sufficient</i> | |
| <input type="checkbox"/> | Inventory | Petitioner states [see Petition for details]. | | d. Richard Carlson (maternal grandfather) – <i>service by mail sufficient</i> | |
| <input type="checkbox"/> | PTC | Court Investigator Jennifer Daniel filed a report on 05/19/15. | | | |
| <input type="checkbox"/> | Not.Cred. | | | | |
| <input type="checkbox"/> | Notice of Hrg | | | | |
| <input type="checkbox"/> | Aff.Mail | | | | |
| <input type="checkbox"/> | Aff.Pub. | | | | |
| <input type="checkbox"/> | Sp.Ntc. | | | | |
| <input type="checkbox"/> | Pers.Serv. | | | | |
| <input checked="" type="checkbox"/> | Conf. Screen | | | | |
| <input checked="" type="checkbox"/> | Letters | | | | |
| <input checked="" type="checkbox"/> | Duties/Supp | | | | |
| <input type="checkbox"/> | Objections | | | | |
| <input type="checkbox"/> | Video Receipt | | | | |
| <input checked="" type="checkbox"/> | CI Report | | | | |
| <input type="checkbox"/> | 9202 | | | | |
| <input checked="" type="checkbox"/> | Order | | | | |
| <input type="checkbox"/> | Aff. Posting | | | | |
| <input type="checkbox"/> | Status Rpt | | | | |
| <input checked="" type="checkbox"/> | UCCJEA | | | | |
| <input type="checkbox"/> | Citation | | | | |
| <input type="checkbox"/> | FTB Notice | | | | |
| | | | | Reviewed by: JF | |
| | | | | Reviewed on: 05/28/15 | |
| | | | | Updates: | |
| | | | | Recommendation: | |
| | | | | File 20- Phipps | |

21 In Re: The Kermit F. Fish and Rosalie J. Fish Revocable Living Trust Agreement dated 10/25/1993; Trust A-the Survivor's Trust; Trust B-the Family Trust Case No. 15CEPR00402

Attorney Nahigian, Eliot S. (for Petitioners Phillip F. Fish and Andrea K. Fritzen)

Petition to Remove a Co-Trustee and Appoint Successor Trustee; for Instruction to Trustee to Reimburse Income Tax Payments, Remedy a Breach of Trust, Pay Accountant, Withdraw Certificates of Deposit, and Distribute Trust Estate

| | | | |
|---|---|--|---|
| Kermit F. Fish DOD: 8/18/03 | <p>PHILLIP F. FISH and ANDREA K. FRITZEN are Petitioners.</p> <p>Petitioners state: Kermit F. Fish and Rosalie J. Fish established the Kermit F. Fish and Rosalie Revocable Living Trust on 10/25/93, amended 12/4/95. Upon the death of Kermit Fish on 8/18/03, the trust was divided into two sub-trusts: a revocable Survivor's Trust (the Rose Fish Trust), and the irrevocable Family Trust. Rose Fish amended the Rose Fish Trust on 6/21/07.</p> <p>The Co-Trustees of the Family Trust are PHILLIP F. FISH and JOSEPH F. FISH.</p> <p>The Co-Trustees of the Rose Fish Trust are PHILLIP F. FISH, ANDREA K. FRITZEN, and JOSEPH F. FISH.</p> <p>The Family Trust assets were distributed in equal shares to the beneficiaries on or about 1/22/15.</p> <p>Rose Fish had a general power of appointment over the Rose Fish Trust, and if not exercised, then the unappointed principal was to be added to the Family Trust upon her death.</p> <p>The Rose Fish Trust assets were not distributed to the Family Trust.</p> <p>As of 12/31/14, the assets of the Rose Fish Trust included various accounts totaling \$418,843.18, plus the contents of a Safe Deposit Box and various coins found in the Rose Fish Piano.</p> <p>Petitioners state they have requested that the Rose Fish Trust be distributed. Co-Trustee JOSEPH F. FISH has refused to make distribution. Under Probate Code § 15620, unanimous action is required by the co-trustees.</p> <p align="center"><u>SEE ADDITIONAL PAGES</u></p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petitioners state Fresno County is the proper venue because Jim G. Sabbatini, CPA, of Selma, CA, has maintained trust accounting records and performed accounting and tax services for the trust from at least 2003 to the present.</p> <p>However, none of the three Co-Trustees reside in Fresno County. Phillip F. Fish resides in Tuolumne County, CA, Andrea K. Fritzen resides in Santa Barbara County, CA, and Joseph F. Fish resides in Carson City, NV.</p> <p>The Court may require clarification re Fresno as proper venue with reference to Probate Code §§ 17002, 17005.</p> | |
| Rosalie J. Fish DOD: 8/2/14 | | | |
| Aff.Sub.Wit. | | | |
| ✓ Verified | | | |
| Inventory | | | |
| PTC | | | |
| Not.Cred. | | | |
| ✓ Notice of Hrg | | | |
| ✓ Aff.Mail | | | W |
| Aff.Pub. | | | |
| Sp.Ntc. | | | |
| Pers.Serv. | | | |
| Conf. Screen | | | |
| Letters | | | |
| Duties/Supp | | | |
| Objections | | | |
| Video Receipt | | | |
| CI Report | | | |
| 9202 | | | |
| ✓ Order | | | |
| Aff. Posting | | | |
| Status Rpt | | | |
| UCCJEA | | | |
| Citation | | | |
| FTB Notice | | | |
| <p>Reviewed by: skc</p> <p>Reviewed on: 5/28/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 21 - Fish</p> | | | |

Page 2

Petitioners state: Except for accounting fees owed to CPA Jim G. Sabbatini and income taxes, all creditors of Rose Fish, the Rose Fish Trust, and the Family Trust have been paid, and the trusts are in a condition for distribution. Mr. Sabbatini provided an estimate of the income taxes due for Rose Fish's 2014 income tax returns and on 3/13/15, a letter and email were sent to Jon Adams, attorney for Joseph Fish, informing him of the Federal and California combined liability of \$13,000.00. Mr. Sabbatini timely prepared vouchers for automatic extensions of time to file. Petitioners had a letter prepared to Wells Fargo Advisors from all three co-trustees with instructions to prepare checks for the tax payments. Joseph Fish did not sign the letter of instruction and Wells Fargo Advisors did not issue the checks for the tax payments.

On 4/6/15, Mr. Sabbatini computed the extension payments and Petitioners advanced two-thirds of the extension payments and now each of them seeks reimbursement from the Rose Fish Trust for the Federal income tax payment of \$3,169.00 and the California income tax payment of \$787.00. Advancement by the co-trustees and reimbursement is allowed under the terms of the trust.

Breach of Trust: Petitioners state the failure of Joseph F. Fish to agree to distribution and to sign the letter of instruction and make the payments of income taxes constitute a breach of trust including breach of duty to administer the trust according to its terms and the duty of loyalty. All three remainder beneficiaries have been damaged by the actions of Joseph F. Fish including legal fees of \$5,063.50 for filing this petition and \$3,620.00 for legal work in connection with the payment of income taxes. See Exhibits F and G. Petitioners request the court remedy this breach by paying \$8,683.50 from the trust estate to Coleman and Horowitz, LLP.

Further, Petitioners request the court remedy the breach of trust by removing Joseph F. Fish as a co-trustee of the Rose Fish Trust and as a co-trustee of the Family Trust.

Under the terms of the Rose Fish Trust pursuant to the Second Amendment, upon the resignation, incapacity or death of any of the co-trustees, the remaining individuals shall serve as trustees. Petitioners requests that they be appointed as the Co-Trustees of the Rose Fish Trust.

Under the terms of the Family Trust pursuant to the First Amendment, upon the resignation, incapacity, or death of a co-trustee, then the remaining individual shall serve as sole trustee. Petitioners request that Phillip F. Fish be appointed sole trustee of the Family Trust.

Accounting Fees: Mr. Sabbatini has submitted invoices totaling \$3,295.00 that have not yet been paid, and has also provided accounting services in connection with preparation of an informal accounting totaling \$600.00. An estimated final accounting bill is \$1,450.00. Mr. Sabbatini seeks a total payment of \$5,345.00.

SEE ADDITIONAL PAGES

Petitioners pray for the following:

1. An order removing Joseph F. Fish as a co-trustee of the Rose Fish Trust;
2. An order appointing Phillip F. Fish and Andrea K. Fritzen as co-trustees of the Rose Fish Trust;
3. An order removing Joseph F. Fish as a co-trustee of the Family Trust;
4. An order appointing Phillip F. Fish as sole trustees of the Family Trust;
5. An order instructing Phillip F. Fish and Andrea K. Fritzen as co-trustees of the Rose Fish Trust to:
 - a. Reimburse Petitioners \$3,169 each for the amounts advanced for extension payments on federal income taxes and \$787 each for California income taxes for Rose Fish for 2014;
 - b. Pay \$8,683.50 to Coleman & Horowitz, LLP to remedy a breach of trust in connection with failing to make distribution of the Rose Fish Trust and to remedy a breach of trust in connection with income tax returns and extensions;
 - c. Pay Jim Sabbatini \$5,345 for accounting services;
 - d. Completely withdraw the CDs of the Rose Fish Trust held at EECU;
 - e. Distribute the balance of the Rose Fish trust estate to Phillip F. Fish as trustee of the Family Trust;
6. An order instructing Phillip F. Fish as sole trustees of the Family Trust to:
 - a. Retain a reserve for closing expenses of \$9,000.02 and to distribute the balance of the reserve account equally to the beneficiaries without further court order;
 - b. Distribute the trust estate of the Family Trust, including additions from the Rose Fish Trust, to the persons entitled thereto;
7. For costs herein; and
8. For such other orders as the Court deems proper.

Attorney: Wheeler, Richard T., for Petitioners Dale A. Landrith, Terry P. Martin, Kim Maxfield, Danielle Amber Silva Worrell and Shaylee Burt

Petition to Determine Succession

| | | | |
|-------------------------------------|-----------------------------------|--|---|
| DOD: 2/7/2015 | | <p>DALE A. LANDRITH, daughter, TERRY P. MARTIN, son, KIM MAXFIELD, granddaughter, DANIELLE AMBER SILVA WORRELL, granddaughter, and SHAYLEE BURT, granddaughter, are Petitioners.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>I & A - \$97,766.29</p> <p>Will dated 3/21/2014 devises</p> <p>Petitioner requests Court determination that Decedent's [unspecified %] interest in real property located at Ave., Fresno, and 100% interest in personal property, passes to the petitioner pursuant to Decedent's will.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. <i>Petition</i> lists SHALYEE BURT as a Petitioner, and proposed order also includes this name as a distributee. However, Decedent's Will lists the person as SHAYLEE BURT. Need clarification of correct name spelling, and revised proposed order if the name should be spelled SHAYLEE BURT.</p> <p>2. Item 9(a)(2)(b) of <i>Petition</i> states Decedent's spouse is deceased. Item 14 of <i>Petition</i> does not include the name and date of death of the deceased spouse, and does not include the date of death of Decedent's deceased son, JOEL T. MAXFIELD, pursuant to Local Rule 7.1.1(D), which provides that if a beneficiary, heir, child, spouse or registered domestic partner in any action before the Probate Court is deceased, that person's date of death shall be included in the petition.</p> <p>~Please see additional page~</p> |
| Cont. from | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> | Verified | | |
| <input type="checkbox"/> | Inventory | | |
| <input type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | |
| <input checked="" type="checkbox"/> | Aff.Mail <small>W/</small> | | |
| <input type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | | |
| <input type="checkbox"/> | Conf. Screen | | |
| <input type="checkbox"/> | Letters | | |
| <input type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input type="checkbox"/> | CI Report | | |
| <input type="checkbox"/> | 9202 | | |
| <input checked="" type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |

| |
|-----------------------------|
| Reviewed by: LEG |
| Reviewed on: 5/28/15 |
| Updates: |
| Recommendation: |
| File 22 – Maxfield |

NEEDS/PROBLEMS/COMMENTS, continued:

3. Item 9a of the *Petition* is incomplete as to (3) or (4) re: registered domestic partner.
4. *Attachment 11* to the *Petition* does not state the amount of the Decedent's interest in the real (and personal property, if the subject of the instant *Petition*, which requires clarification from the Petitioner) as required per Item 11 of the *Petition*.
5. Item 14 of the *Petition* is incomplete, as it does not list the names, relationships to Decedent, ages and residence or mailing addresses so far as known to or reasonably ascertainable by Petitioner of all persons claiming an interest in the property, any spouse and children of Decedent, and all other heirs of Decedent. Need *Attachment 14* to the *Petition* containing all such information.
6. *Inventory and Appraisal* attached to the *Petition* filed 4/21/2015 includes personal property in the inventory at Attachments 1 and 2. However, *Petition* does not request the Court determine succession to personal property, and the proposed order does not include distribution of the personal property that is included on the *Inventory and Appraisal*. Need clarification and/or amended petition.

Attorney: Durost, Linda K., for Petitioners Ron Lavine and Alice Lavine, parents

Petition to Appoint Limited Conservator of the Person

| | | | |
|-------------------------------------|----------------------|--|---|
| | | NO TEMPORARY REQUESTED | NEEDS/PROBLEMS/COMMENTS: |
| | | RON LAVINE and ALICE LAVINE, | <p>Note: Order Appointing Counsel filed 5/22/2015 shows appointment of Attorney Curtis Rindlisbacher as legal counsel for the proposed Conservatee pursuant to Probate Code § 1471 providing for mandatory appointment for proposed Limited Conservatees.</p> <p>1. <i>Petition</i> requests the appointment of Petitioners as Limited Co-Conservators of the proposed Conservatee. Petitioners appear to seek a limited conservatorship based upon the fact that the proposed Conservatee is developmentally disabled; however, it appears a general conservatorship would more appropriately address the needs of this proposed Conservatee, who requires assistance with all activities of daily living, including feeding and hygiene, and requires constant supervision. Limited conservatorships are more appropriate in circumstances in which the proposed Conservatee has a greater degree of capacity for self-care and independent living. Probate Code § 2351 provides in pertinent part that the conservator, <u>but not a limited conservator</u>, has the care, custody, and control of, and has charge of the education of, the Conservatee. (Note: Amendment of the Petition is unnecessary; proposed order and letters could be marked to grant general conservatorship to Petitioners.</p> <p>~Please see additional page~</p> |
| | | parents, are Petitioners and request appointment as Conservator of the Person with medical consent powers. | |
| Cont. from | | Capacity Declaration filed 5/14/2015. | |
| <input type="checkbox"/> | Aff.Sub.Wit. | ~Please see Petition for details~ | |
| <input checked="" type="checkbox"/> | Verified | Court Investigator's Report filed on 5/22/2015. | |
| <input type="checkbox"/> | Inventory | | |
| <input type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | |
| <input checked="" type="checkbox"/> | Aff.Mail | | |
| <input type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | X | |
| <input checked="" type="checkbox"/> | Conf. Screen | | |
| <input type="checkbox"/> | Letters | X | |
| <input checked="" type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | X | |
| <input checked="" type="checkbox"/> | CI Report | | |
| <input type="checkbox"/> | 9202 | | |
| <input type="checkbox"/> | Order | X | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | X | |
| <input type="checkbox"/> | FTB Notice | | |
| | | | Reviewed by: LEG |
| | | | Reviewed on: 5/29/15 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 23 - Lavine |

NEEDS/PROBLEMS/COMMENTS:

2. Need *Citation for Conservatorship* pursuant to Probate Code § 1823, and proof of personal service of the *Citation* on the proposed Conservatee with a copy of the *Petition for Appointment of Probate Conservator* pursuant to Probate Code § 1824.
3. Item 5(f) of the *Petition* indicates the proposed Conservatee is developmentally disabled. Need proof of mailed service of the *Notice of Hearing* with a copy of the *Petition for Appointment of Probate Conservator*, showing service was mailed at least 30 days before the hearing to Central Valley Regional Center (CVRC) as defined in § 1827.5, pursuant to Probate Code § 1822(e).
4. Need *Conservatorship Video Viewing Certificate* pursuant to Local Rule 7.15.9(A).
5. Need proposed order.
6. Need proposed letters signed by Petitioners.

**Petition for Letters of Administration; Authorization to Administer Under the
Independent Administration of Estates Act**

| | | |
|--|---|--|
| DOD: 04/11/15 | SANDRA ANN SMITH , surviving spouse, is Petitioner, and requests appointment as Administrator with full IAEA and without bond. | NEEDS/PROBLEMS/COMMENTS: 1. Need Letters of Administration. <u>Note:</u> If granted, the Court will set status hearings as follows: <ul style="list-style-type: none"> Tuesday, Nov. 3, 2015 for the filing of the inventory and appraisal Tuesday, Sept. 13, 2016 for the filing of the first account or petition for final distribution. If the proper items are on file pursuant to local rules, the status hearings may be taken off calendar. |
| Cont. from | | |
| <input type="checkbox"/> Aff.Sub.Wit. | Full IAEA – OK | |
| <input checked="" type="checkbox"/> Verified | All heirs waive bond | |
| <input type="checkbox"/> Inventory | Decedent died intestate | |
| <input type="checkbox"/> PTC | Residence: Fresno | |
| <input type="checkbox"/> Not.Cred. | Publication: The Business Journal | |
| <input checked="" type="checkbox"/> Notice of Hrg | | |
| <input checked="" type="checkbox"/> Aff.Mail | w/ | |
| <input checked="" type="checkbox"/> Aff.Pub. | Estimated Value of the Estate: | |
| <input type="checkbox"/> Sp.Ntc. | Real property - \$150,000.00 | |
| <input type="checkbox"/> Pers.Serv. | Probate Referee: RICK SMITH | |
| <input type="checkbox"/> Conf. Screen | | |
| <input checked="" type="checkbox"/> Letters | | |
| <input checked="" type="checkbox"/> Duties/Supp | | |
| <input type="checkbox"/> Objections | | |
| <input type="checkbox"/> Video Receipt | | |
| <input type="checkbox"/> CI Report | | |
| <input type="checkbox"/> 9202 | | |
| <input checked="" type="checkbox"/> Order | | |
| <input type="checkbox"/> Aff. Posting | | |
| <input type="checkbox"/> Status Rpt | | |
| <input type="checkbox"/> UCCJEA | | |
| <input type="checkbox"/> Citation | | |
| <input type="checkbox"/> FTB Notice | | |
| | | Reviewed by: JF |
| | | Reviewed on: 05/29/15 |
| | | Updates: |
| | | Recommendation: |
| | | File 24 - Smith |

Petition for Appointment of Guardian of Minor (Estate)

| | | | |
|---------------------------|---------------|---|---|
| See petition for details. | | | NEEDS/PROBLEMS/ COMMENTS: |
| | | | <u>Note:</u> Page 26 is a petition re the estate of this minor's sibling Matthew. |
| | | | <u>Note:</u> Pursuant to Local Rule 7.8.4.I, it is the policy of the court to block <u>all</u> funds in guardianship estates. |
| | Aff.Sub.Wit. | | 1. If \$49,000.00 is to remain unblocked, bond including cost of recovery pursuant to Cal. Rule of Court 7.207 should be \$55,000.00. |
| ✓ | Verified | | 2. Need Order to Deposit Money Into Blocked Account (MC-355). |
| | Inventory | | <u>Note:</u> If granted, the Court will set status hearings as follows: |
| | PTC | | • Tuesday, July 21, 2015 for filing of bond and/or receipt for blocked account |
| | Not.Cred. | | • Tuesday, Nov. 2, 2015 for filing of Inventory and Appraisal |
| ✓ | Notice of Hrg | | • Tuesday, Sept. 6, 2016 for filing the first account |
| ✓ | Aff.Mail | W | If the proper items are on file pursuant to Local Rule 7.5, the status hearings may come off calendar. |
| | Aff.Pub. | | Reviewed by: skc |
| | Sp.Ntc. | | Reviewed on: 5/29/15 |
| ✓ | Pers.Serv. | W | Updates: |
| ✓ | Conf. Screen | | Recommendation: |
| ✓ | Letters | | File 25 - Directo |
| ✓ | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |

Petition for Appointment of Guardian of Minor (Estate)

| | | | |
|-------------------------------------|---------------|---|---|
| See petition for details. | | | NEEDS/PROBLEMS/ COMMENTS: |
| | | | <u>Note:</u> Page 25 is a petition re the estate of this minor's sibling Scott, also 16. |
| | | | <u>Note:</u> Pursuant to Local Rule 7.8.4.I, it is the policy of the court to block <u>all</u> funds in guardianship estates. |
| <input type="checkbox"/> | Aff.Sub.Wit. | | 3. If \$49,000.00 is to remain unblocked, bond including cost of recovery pursuant to Cal. Rule of Court 7.207 should be \$55,000.00. |
| <input checked="" type="checkbox"/> | Verified | | 4. Need Order to Deposit Money Into Blocked Account (MC-355). |
| <input type="checkbox"/> | Inventory | | <u>Note:</u> If granted, the Court will set status hearings as follows: |
| <input type="checkbox"/> | PTC | | <ul style="list-style-type: none"> Tuesday, July 21, 2015 for filing of bond and/or receipt for blocked account |
| <input type="checkbox"/> | Not.Cred. | | <ul style="list-style-type: none"> Tuesday, Nov. 2, 2015 for filing of Inventory and Appraisal |
| <input checked="" type="checkbox"/> | Notice of Hrg | | <ul style="list-style-type: none"> Tuesday, Sept. 6, 2016 for filing the first account |
| <input checked="" type="checkbox"/> | Aff.Mail | W | If the proper items are on file pursuant to Local Rule 7.5, the status hearings may come off calendar. |
| <input type="checkbox"/> | Aff.Pub. | | Reviewed by: skc |
| <input type="checkbox"/> | Sp.Ntc. | | Reviewed on: 5/29/15 |
| <input checked="" type="checkbox"/> | Pers.Serv. | W | Updates: |
| <input checked="" type="checkbox"/> | Conf. Screen | | Recommendation: |
| <input checked="" type="checkbox"/> | Letters | | File 25 - Directo |
| <input checked="" type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input type="checkbox"/> | CI Report | | |
| <input type="checkbox"/> | 9202 | | |
| <input checked="" type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |

| | | |
|--|--|--|
| DOD: 02/25/15 | DEBRA MOLINA , daughter, is Petitioner, and requests appointment as Administrator with full IAEA and without bond. | NEEDS/PROBLEMS/COMMENTS: |
| | | Note: The Court will set status hearings as follows: |
| | | <ul style="list-style-type: none"> Tuesday, Nov. 3, 2015 for the filing of the inventory and appraisal Tuesday, Sept. 13, 2016 for the filing of the first account or petition for final distribution. |
| Cont. from | Full IAEA – OK | |
| <input type="checkbox"/> Aff.Sub.Wit. | All heirs waive bond | |
| <input checked="" type="checkbox"/> Verified | Decedent died intestate | |
| <input type="checkbox"/> Inventory | Residence: Selma | |
| <input type="checkbox"/> PTC | Publication: Selma Enterprise | |
| <input type="checkbox"/> Not.Cred. | | |
| <input checked="" type="checkbox"/> Notice of Hrg | | |
| <input checked="" type="checkbox"/> Aff.Mail | | |
| <input checked="" type="checkbox"/> Aff.Pub. | | |
| <input type="checkbox"/> Sp.Ntc. | Estimated Value of the Estate: | |
| <input type="checkbox"/> Pers.Serv. | Personal property - \$ 5,000.00 | |
| <input type="checkbox"/> Conf. Screen | Annual income - 4,050.00 | |
| <input checked="" type="checkbox"/> Letters | Real property - 200,000.00 | |
| <input checked="" type="checkbox"/> Duties/Supp | Total - \$209,050.00 | |
| <input type="checkbox"/> Objections | Probate Referee: STEVEN DIEBERT | |
| <input type="checkbox"/> Video Receipt | | |
| <input type="checkbox"/> CI Report | | |
| <input type="checkbox"/> 9202 | | |
| <input checked="" type="checkbox"/> Order | | |
| <input type="checkbox"/> Aff. Posting | | |
| <input type="checkbox"/> Status Rpt | | |
| <input type="checkbox"/> UCCJEA | | |
| <input type="checkbox"/> Citation | | |
| <input type="checkbox"/> FTB Notice | | |
| | | Reviewed by: JF |
| | | Reviewed on: 05/29/15 |
| | | Updates: |
| | | Recommendation: SUBMITTED |
| | | File 27 – Molina |

28 Morgan Elizabeth Pasley (CONS/PE) Case No. 12CEPR00938

Attorney Erlach, Mara M. (for Debra Pasley – Conservator – Petitioner)

**Second Amended Account Current and Report of Conservator; Petition of Conservator
Petition for its Settlement, for Allowance of Attorneys Compensation and for its Termination**

| | | | | |
|-------------------------------------|----------------------|--|--|---------|
| | | <p>DEBRA PASLEY, Mother and Conservator of the Person and Estate with bond of \$15,000.00, is Petitioner. <i>(Not verified.)</i></p> <p>Account period: 3/28/13 – 10/17/14 Accounting: <u>Not provided</u> Beginning POH: \$13,438.31 Ending POH: \$70,195.61 (\$1,715.61 plus a 1/5 interest in real property in Virginia valued at \$68,480.00)</p> <p>Petitioner states: Inventory and Appraisal was filed 6/5/13 showing the value of the estate to be \$13,438.31. Summary of account and supporting schedules are provided at Exhibit B. <i>(See #1.)</i></p> <p>As reflected in prior pleadings, the Conservator and Conservatee moved out of state. The Conservator was appointed Guardian of the Conservatee in Oklahoma by Court order and Letters issued on 8/13/14.</p> <p>Petitioner does not request compensation for her services.</p> <p>Petitioner requests attorney's compensation as set forth in Exhibit "C." <i>(See #3.)</i></p> <p>Petitioner prays:</p> <ol style="list-style-type: none"> 1. That this account and report be approved and settled; 2. That the acts of the Conservator shown in the account and report be approved; 3. That, upon settlement of this account, the Conservator be directed to pay her attorneys, McCormick Barstow, LLP, compensation for services rendered and, as yet, unpaid; 4. That the Conservatorship in California be terminated; and 5. That the Court grant such other and further relief as it deems just and proper. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This petition was originally set for 4/23/15 and continued to 6/2/15 at the attorney's request.</p> <p><u>SEE ADDITIONAL PAGES</u></p> | |
| Cont. from 042315 | | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | | |
| <input type="checkbox"/> | Verified | | | x |
| <input checked="" type="checkbox"/> | Inventory | | | |
| <input type="checkbox"/> | PTC | | | |
| <input type="checkbox"/> | Not.Cred. | | | |
| <input type="checkbox"/> | Notice of Hrg | | | x |
| <input type="checkbox"/> | Aff.Mail | | | x |
| <input type="checkbox"/> | Aff.Pub. | | | |
| <input type="checkbox"/> | Sp.Ntc. | | | |
| <input type="checkbox"/> | Pers.Serv. | | | |
| <input type="checkbox"/> | Conf. Screen | | | |
| <input checked="" type="checkbox"/> | Letters | | | 3/28/13 |
| <input type="checkbox"/> | Duties/Supp | | | |
| <input type="checkbox"/> | Objections | | | |
| <input type="checkbox"/> | Video Receipt | | | |
| <input type="checkbox"/> | CI Report | | | |
| <input type="checkbox"/> | 9202 | | | |
| <input type="checkbox"/> | Order | | | x |
| <input type="checkbox"/> | Aff. Posting | | | |
| <input type="checkbox"/> | Status Rpt | | | |
| <input type="checkbox"/> | UCCJEA | | | |
| <input type="checkbox"/> | Citation | | | |
| <input type="checkbox"/> | FTB Notice | | | |

Reviewed by: skc

Reviewed on: 5/28/15

Updates:

Recommendation:

File 28 – Pasley

28 Morgan Elizabeth Pasley (CONS/PE) Case No. 12CEPR00938

1. This petition does not provide any accounting in the form required by Probate Code §§ 2620, 1060, or any mandatory schedules on the required Judicial Council forms.

Need amended petition with accounting, schedules, including required mandatory form for summary. Although Petitioner has been appointed Guardian in Oklahoma, this Court retains jurisdiction for settling accounts pursuant to Probate Code §2630.

The only schedule provided at Exhibit B is a statement of property on hand, labeled as "receipts," but which does not show any account summary, receipts, disbursements, etc., and further indicates that the conservatorship estate cash has been reduced by \$11,722.70 without explanation.

Note: The Conservatee's interest in the Virginia real property is not an asset of this conservatorship estate, but should be referenced in its own schedule pursuant to §1063(h).

2. This petition is not verified by the Conservator as required by Probate Code §§ 1021, 1023.
(Note: §1023 provides that an attorney may sign or verify on a client's behalf if he or she is absent from the county unless the person is a fiduciary appointing in the proceeding.)
3. Petitioner requests attorney's compensation pursuant to Exhibit C, but no Exhibit C is attached.
4. Need Notice of Hearing.
5. Need proof of service of Notice of Hearing at least 15 days prior to the hearing pursuant to Probate Code §1460(b)(6) on:
 - Morgan Elizabeth Pasley (Conservatee)
 - Debra Pasley (Conservator/Fiduciary, since the petition is not verified by her)
 - David Hal Jones (Father)
6. *The Court may also require notice to the surety of any continued or future hearings.*

Petitioner Olivarez, Richard (pro per – paternal grandfather)

Petitioner Olivarez, Rosemary (pro per – paternal grandmother)

Petition - Appoint Temporary Guardian

| | | | |
|---|---|--|---|
| Isaiah, 10 | <u>GENERAL HEARING: 07/21/15</u> | | NEEDS/PROBLEMS/COMMENTS: 1. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: a. Ronald Mobley (Isaiah's father) b. Francine Esparza (mother) |
| Tristen, 8 | RICHARD OLIVAREZ and ROSEMARY OLIVAREZ , paternal grandparents of Tristen and Ashton, are Petitioners) | | |
| Ashton, 4 | Father (Isaiah): RONALD MOBLEY Father (Tristen & Ashton): SHAUN OLIVAREZ – deceased | | |
| Cont. from | Mother: FRANCINE ESPARZA – Declaration of Due Diligence filed 05/28/15 | | |
| <input type="checkbox"/> Aff.Sub.Wit. | Paternal grandparents (Isaiah): UNKNOWN | | |
| <input checked="" type="checkbox"/> Verified | Maternal grandfather: ISACHE ESPARZA Maternal grandmother: TERRY ESPARZA | | |
| <input type="checkbox"/> Inventory | Siblings: LARISSA ESPARZA, MICOLE ESPARZA | | |
| <input type="checkbox"/> PTC | Petitioners state [see Petition for details]. | | |
| <input type="checkbox"/> Not.Cred. | | | |
| <input checked="" type="checkbox"/> Notice of Hrg | | | |
| <input type="checkbox"/> Aff.Mail | | | |
| <input type="checkbox"/> Aff.Pub. | | | |
| <input type="checkbox"/> Sp.Ntc. | | | |
| <input type="checkbox"/> Pers.Serv. | X | | |
| <input checked="" type="checkbox"/> Conf. Screen | | | |
| <input checked="" type="checkbox"/> Letters | | | |
| <input checked="" type="checkbox"/> Duties/Supp | | | |
| <input type="checkbox"/> Objections | | | |
| <input type="checkbox"/> Video Receipt | | | |
| <input type="checkbox"/> CI Report | | | |
| <input type="checkbox"/> 9202 | | | |
| <input checked="" type="checkbox"/> Order | | | |
| <input type="checkbox"/> Aff. Posting | | | |
| <input type="checkbox"/> Status Rpt | | | |
| <input checked="" type="checkbox"/> UCCJEA | | | |
| <input type="checkbox"/> Citation | | | |
| <input type="checkbox"/> FTB Notice | | | |

| |
|--|
| Reviewed by: JF |
| Reviewed on: 05/29/15 |
| Updates: |
| Recommendation: |
| File 29 – Mobley & Olivarez |